

Customer No. 26308

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Nelson et al.

Group No.: 3732

Serial No.: 10/806,372

Examiner: Unknown

Filed: 22 March 2004

For: Devices, Systems, and Methods to Fixate Tissue Within the Regions of the Body, Such as the Pharyngeal Conduit

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT BY ATTORNEY THAT APPLICATION FILED IN PTO IS THE  
ONE INVENTOR(S) EXECUTED BY SIGNING DECLARATION

I, Daniel D. Ryan, Registration No. 29,243, of RYAN KROMHOLZ & MANION (Customer No. 26308), S.C., P.O. Box 26618, Milwaukee, Wisconsin 53226-0618, {(262) 783-1300} state I am an attorney for this application and the application identified above is the application which the inventor(s) executed by signing the declaration which is being submitted herewith.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows: Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date 10 September 2004

By

Linda S. Wenzel

(Typed Name of Person Signing Paper)

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**COMBINED DECLARATION AND POWER OF ATTORNEY  
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR CIP)**

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: *(check one applicable item below)*

- ☒ original  
☐ supplemental

Type of Application: *(check one applicable item below)*

- ☒ original  
☐ design

**NOTE:** *If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.*

- ☐ national stage of PCT

**NOTE:** *If one of the following items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.*

- ☐ divisional  
☐ continuation  
☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

**WARNING:** *If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

Devices, Systems, and Methods to Fixate Tissue Within the Regions of the Body,  
Such as the Pharyngeal Conduit

**SPECIFICATION IDENTIFICATION**

the specification of which: *(complete (a), (b) or (c))*

- (a) ☐ is attached hereto.  
(b) ☒ was filed on 22 March 2004 as ☒ Serial No. 10/806,372  
or ☐ Express Mail No., as Serial No. not yet known \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

**NOTE:** *Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.*

- (c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

## ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

- ☐ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

### PRIORITY CLAIM (35 U.S.C. § 119)

A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY  
PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- (d) ☒ no such applications have been filed.  
(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES      NO <input type="checkbox"/>
			<input type="checkbox"/> YES      NO <input type="checkbox"/>
			<input type="checkbox"/> YES      NO <input type="checkbox"/>
			<input type="checkbox"/> YES      NO <input type="checkbox"/>
			<input type="checkbox"/> YES      NO <input type="checkbox"/>

B. CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application No.  
60/441,639  
60/456,164  
\_\_\_\_\_

Filing Date  
22 January 2003  
20 March 2003  
\_\_\_\_\_

CLAIM FOR BENEFIT OF EARLIER US and/or PCT APPLICATION(S)  
UNDER 35 U.S.C. § 120

- ☒ The claim for the benefit of any such applications are set forth in the attached ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR US PRIORITY CLAIM

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. S 120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Daniel D. Ryan (29,243)  
John M. Manion (38,957)  
Arnold J. Ericson (16,879)  
Patricia A. Limbach (50,295)

Joseph A. Kromholz (34,204)  
Daniel R. Johnson (46,204)  
Laura A. Dable (46,436)  
Patrick J. Fleis (55,185)

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Customer No.: 26308

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[ ] Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

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SEND CORRESPONDENCE TO

Daniel D. Ryan  
RYAN KROMHOLZ & MANION, S.C.  
Post Office Box 26618  
Milwaukee, Wisconsin 53226-0618



26308  
PATENT TRADEMARK OFFICE

DIRECT TELEPHONE CALLS TO:

Daniel D. Ryan  
PHONE CALLS  
(262) 783 - 1300

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DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

Lionel  
 (GIVEN NAME)  
 Inventor's signature  
 Date 7/28/04  
 Residence (City, State/Country)  
 Post Office Address  
 M  
 (MIDDLE INITIAL OR NAME)  
 Nelson  
 FAMILY (OR LAST NAME)  
 Country of Citizenship US  
 Los Altos, California / US  
 27261 Black Mountain Road  
 Los Altos, CA 94022-4232

Full name of second joint inventor, if any

Jinfang  
 (GIVEN NAME)  
 Inventor's signature  
 Date  
 Residence (City, State/Country)  
 Post Office Address  
 (MIDDLE INITIAL OR NAME)  
 Liu  
 FAMILY (OR LAST NAME)  
 Country of Citizenship US  
 Lancaster, Pennsylvania / US  
 764 Oxford Road  
 Lancaster, PA 17601

Full name of third joint inventor, if any

Ryan  
 (GIVEN NAME)  
 Inventor's signature  
 Date  
 Residence (City, State/Country)  
 Post Office Address  
 P  
 (MIDDLE INITIAL OR NAME)  
 Boucher  
 FAMILY (OR LAST NAME)  
 Country of Citizenship US  
 San Francisco, California / US  
 1424 Clay Street  
 San Francisco, CA 94109

Full name of fourth joint inventor, if any

Eric  
 (GIVEN NAME)  
 Inventor's signature  
 Date  
 Residence (City, State/Country)  
 Post Office Address  
 N  
 (MIDDLE INITIAL OR NAME)  
 Doelling  
 FAMILY (OR LAST NAME)  
 Country of Citizenship US  
 Sunnyvale, California / US  
 718 Jura Way  
 Sunnyvale, CA 94087

Full name of fifth joint inventor, if any

CREG  
 (GIVEN NAME)  
 Inventor's signature  
 Date 7-17-04  
 Residence (City, State/Country)  
 Post Office Address  
 CREG  
 (MIDDLE INITIAL OR NAME)  
 Stine  
 FAMILY (OR LAST NAME)  
 Country of Citizenship US  
 Longview, Texas / US  
 1204 Dennis Drive  
 Longview, TX 75605

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

Lionel M. Nelson  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) Los Altos, California / US  
 Post Office Address 27261 Black Mountain Road  
Los Altos, CA 94022-4232

Full name of second joint inventor, if any

Jinfang Liu  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature Jinfang 8/23/2004  
 Date 7/14/04 Country of Citizenship US China  
 Residence (City, State/Country) Lancaster, Pennsylvania / US  
 Post Office Address 764 Oxford Road  
Lancaster, PA 17601

Full name of third joint inventor, if any

Ryan P. Boucher  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) San Francisco, California / US  
 Post Office Address 1424 Clay Street  
San Francisco, CA 94109

Full name of fourth joint inventor, if any

Eric N. Doelling  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) Sunnyvale, California / US  
 Post Office Address 718 Jura Way  
Sunnyvale, CA 94087

Full name of fifth joint inventor, if any

Gregory J. Stine  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) Longview, Texas / US  
 Post Office Address 1204 Dennis Drive  
Longview, TX 75605

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

Lionel M. Nelson  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) Los Altos, California / US  
 Post Office Address 27261 Black Mountain Road  
Los Altos, CA 94022-4232

Full name of second joint inventor, if any

Jinfang \_\_\_\_\_ Liu  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) Lancaster, Pennsylvania / US  
 Post Office Address 764 Oxford Road  
Lancaster, PA 17601

Full name of third joint inventor, if any

Ryan P. Boucher  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date 7/8/04 Country of Citizenship US  
 Residence (City, State/Country) San Francisco, California / US  
 Post Office Address 1424 Clay Street  
San Francisco, CA 94109

Full name of fourth joint inventor, if any

Eric N. Doelling  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date 7/8/04 Country of Citizenship US  
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 Post Office Address 718 Jura Way  
Sunnyvale, CA 94087

Full name of fifth joint inventor, if any

Gregory J. Stine  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) Longview, Texas / US  
 Post Office Address 1204 Dennis Drive  
Longview, TX 75605

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

Lionel M. Nelson  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) Los Altos, California / US  
 Post Office Address 27261 Black Mountain Road  
Los Altos, CA 94022-4232

Full name of second joint inventor, if any

Jinfang \_\_\_\_\_ Liu  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) Lancaster, Pennsylvania / US  
 Post Office Address 764 Oxford Road  
Lancaster, PA 17601

Full name of third joint inventor, if any

Ryan \_\_\_\_\_ P. Boucher  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) San Francisco, California / US  
 Post Office Address 1424 Clay Street  
San Francisco, CA 94109

Full name of fourth joint inventor, if any

Eric \_\_\_\_\_ N. Doelling  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship US  
 Residence (City, State/Country) Sunnyvale, California / US  
 Post Office Address 718 Jura Way  
Sunnyvale, CA 94087

Full name of fifth joint inventor, if any

GREGORY J. 8-26-04 GREG Stine  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
 Inventor's signature \_\_\_\_\_  
 Date 7-13-04 Country of Citizenship US  
 Residence (City, State/Country) Longview, Texas / US  
 Post Office Address 1204 Dennis Drive  
Longview, TX 75605



CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH  
FORM A PART OF THIS DECLARATION

☒ Signature for sixth and subsequent joint inventors.

\* \* \*

☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.

\* \* \*

☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.

\* \* \*

☒ Added page to combined declaration and power of attorney for US Priority Claim

\* \* \*

☐ Authorization of attorney(s) to accept and follow instructions from representative

\* \* \*

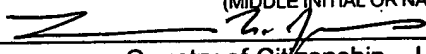
*(If no further pages form a part of this declaration then end this declaration with this page and check the following item:)*

☐ This declaration ends with this page

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sixth joint inventor, if any

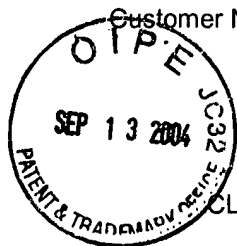
Lawrence	R.	Jones
(GIVEN NAME)	(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)
Inventor's signature 		
Date 7/20/04	Country of Citizenship	US
Residence	Conifer, Colorado / US	
Post Office Address	11701 Baca Road	
	Conifer, CO 80433	

Full name of seventh joint inventor, if any

(GIVEN NAME)	(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)
Inventor's signature _____		
Date _____	Country of Citizenship	_____
Residence	_____	
Post Office Address	_____	

Full name of eighth joint inventor, if any

(GIVEN NAME)	(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)
Inventor's signature _____		
Date _____	Country of Citizenship	_____
Residence	_____	
Post Office Address	_____	



**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR US PRIORITY CLAIM**

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, S 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, S 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:**

Status  
(CHECK ONE)

U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. 10/718,254	20 November 2003			
2. 10/656,861	6 September 2003			
3. 10/236,455	6 September 2002			

**PCT APPLICATIONS DESIGNATING THE U.S.**

PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS**

**DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY APPLICATION  
CLAIMED UNDER 35 USC 119**

	Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____